

HOFLAND & TOMSHECK
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

vs.

DAVID HOWARD BABIT,

Defendant.

Case No.: 2:20-cr-00276-GMN-EJY

Stipulation and Order to Continue
Sentencing and Disposition Date

IT IS HEREBY STIPULATED AND AGREED by and between Christopher Chiou, Acting United States Attorney, and Bianca R. Pucci, Esq., Assistant United States Attorney, counsel for the United States of America, and Joshua Tomsheck, Esq., counsel for Defendant, DAVID HOWARD BABIT, that the Sentencing and Disposition currently scheduled for September 29, 2021 at 11:00 A.M. to a date and time to be set by this Honorable Court, but no sooner than thirty (30) days.

This Stipulation is entered into for the following reasons:

1. This is the fifth Sentencing and Disposition continuance request.
2. The additional time requested herein is not sought for purposes of delay, but to address issues within Mr. Babit's Presentence Investigation Report.
3. Defendant is in custody and does not object to the continuance.
4. The parties agree to the continuance.
5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

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1 6. For the above stated reasons, the parties agree that a continuance of the Sentencing and
2 Disposition Date would best serve the ends of justice in this case.

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4 DATED this 21st day of September, 2021.

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6 CHRISTOPHER CHIOU
7 ACTING UNITED STATES ATTORNEY

8 /s/ Bianca R. Pucci
9 BIANCA R. PUCCI, ESQ.
Assistant United States Attorney

/s/ Joshua Tomsheck
JOSHUA TOMSHECK, ESQ.
Attorney for Defendant

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FINDINGS OF FACT

Based upon the pending Stipulation of counsel, and good cause appearing therefor, the Court hereby finds that:

This Stipulation is entered into for the following reasons:

1. This is the fifth Sentencing and Disposition continuance request.
2. The additional time requested herein is not sought for purposes of delay, but to address issues within Mr. Babit's Presentence Investigation Report.
3. Defendant is in custody and does not object to the continuance.
4. The parties agree to the continuance.
5. Additionally, denial of this request for continuance could result in a miscarriage of justice.
6. For the above stated reasons, the parties agree that a continuance of the Sentencing and Disposition Date would best serve the ends of justice in this case.

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ORDER

IT IS HEREBY ORDERED that the Sentencing and Disposition date in the above-captioned matter currently scheduled for September 29, 2021 at 11:00 A.M. be vacated and continued to 3rd day of November, 2021 at 11:00 AM in Courtroom 7D before Judge Gloria M. Navarro.

IT IS FURTHER ORDERED that this is a firm trial date and no further continuances will be granted without a hearing to demonstrate a sufficient basis to delay trial.

DATED this 23 day of September, 2021.


UNITED STATES DISTRICT JUDGE

Respectfully Submitted By:

/s/ Joshua Tomsheck
Joshua Tomsheck, Esq.
Nevada Bar No. 009210
Attorney for Defendant